

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
June 5, 2013**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Josh Gunselman took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Brad Schnarr, Vice Chairman	-Present	Bob Cook	-Present
Josh Gunselman, Secretary	-Present	Darla Blazey, Director of Community Development / Planning	-Present
		Renee Kabrick, City Attorney	-Present

PLEDGE OF ALLEGIANCE

President Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the May 1, 2013 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 5-0.

STATEMENT

President Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Ronald E. Snyder (as petitioner) and John Robert Hoffman II (as owner) for a special exception to allow a medical clinic in an R-3 (Residential) zone and a variance from Section 16.03.060(6)(off-street parking)

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Ron Snyder to request a special exception to allow a medical clinic to be operated at 825 W. 13th Street. Mr. Snyder, also present, plans to purchase the property with intentions of his son, Dr. Michael Snyder, opening a gastroenterology practice, which would be a satellite office out of Evansville, Indiana. The property is zoned R-3 (Residential). Mr. Snyder explained that the proposed property would be an ideal location since it is situated close to Memorial Hospital. Plans are to utilize the main floor of the two-story house. Hours would be weekdays from 8:00am to 5:00 pm. In addition to Dr. Snyder, there would be three employees and a maximum of six patients at a time in the facility. Dr. Snyder's workday would be split between seeing patients and performing surgeries at the hospital.

A variance request was also presented before the Board in regards to off-street parking. Plans are to allow nine of the 13 required parking spaces to be placed in the front yard setback, or “required front yard,” with the remaining four to be stationed against the building.

Several adjacent property owners appeared before the Board to express their concerns in the event a medical clinic is allowed in their neighborhood. Those present to voice their concerns were Ann Gootee, Eric Curtis, Mike Hoffman, on behalf of his mother, Joan, Phil Buecher and Dr. Greg Berger. Their main concerns were in regards to increased traffic and devaluation of property. Some stated that there is a possibility of other locations in the hospital area, such as St. Thomas Medical Center and the Medical Arts building that would most likely have room available for Dr. Snyder’s practice.

Discussion followed. Although hearing the neighbors’ concerns, the Board was in agreement that locating the medical clinic at the proposed property is an appropriate choice, stating that the house has been on the real estate market for over a year and also, that it is a good idea for doctors to be located close to the hospital.

With no more discussion, Vice Chairman Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a special exception to allow a medical clinic in an R-3 (Residential) zone at 825 W. 13th Street, with use of the main floor only. Vice Chairman Schnarr seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance from Section 16.03.060(6)(off-street parking), allowing nine of the 13 required spaces to be located in the front yard setback, or “required front yard,” and the remaining four against the building. Vice President Schnarr seconded it. Secretary Gunselman voted nay. The motion carried 4-1.

Petition of Chad and Kathy Giesler for a variance from Section 16.02.140 (Height Regulations)

Chad Giesler was present to request a height variance of 21 ½ feet on a 24ft. x 40ft. detached garage he plans to construct on his property located at 2683 S. Meridian Road. Mr. Giesler displayed a sketch of the proposed building. The metal sided structure would be similar to several others in the neighborhood. Plans are to construct it from an existing retaining wall, which would, in turn, give the building an average height of 21 ½ feet.

Discussion followed. There were no remonstrators present. Vice President Schnarr made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Vice President Schnarr made a motion to grant a variance from Section 16.02.140 (Height Regulations) for height of the detached garage not to exceed an average of 22 feet. Randy Mehringer seconded it. Motion carried 5-0.

Petition of Dubois County Health Department for a variance from Section 16.035.060 (Business and Industrial Zoning Sign Standards)

Donna Oeding, Administrative Director for the Dubois County Health Department, was present to request a sign variance to allow a monument sign with an attached electronic reader

board at the Dubois County Health Department located at 1187 S. St. Charles Street. The purpose for the reader board is to post health information important to the community.

Ms. Oeding displayed a similar rendering of the sign, which will be funded by a grant. The sign would measure four feet by eight feet; a sign height total of five feet three inches including the stand.

Some discussion followed. With no remonstrators present, Vice President Schnarr made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Secretary Gunselman made a motion to grant a sign variance as presented; allowing for an electronic reader board on a monument sign measuring four-foot by eight-foot, with a total height of five feet three inches. Vice President Schnarr seconded it. Motion carried 5-0.

Petition of Jerry J. Fuhs and Carolyn J. Fuhs (as owners) and Redevelop Old Jasper Coalition ROJAC (as petitioner) for a variance from Section 16.035.030 (Banners)

Dave Buehler was present on behalf of ROJAC (Redevelop Old Jasper Coalition) requesting a variance to erect a banner on the side of one of Jasper Cabinet's kiln buildings located at 126 Jackson Street. The banner measures nine feet by fourteen feet and would be displayed for four months; June through September. The purpose of the banner is to advertise ROJAC's 10th anniversary, which will kick off July 13, 2013, with the dedication of the German American Boulevard. There are also plans to hold various events throughout the day.

Discussion followed. With no remonstrators present, Secretary Gunselman made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to allow the larger banner, as presented above, to be erected at 126 Jackson Street from June through September of 2013. Secretary Gunselman seconded it. Motion carried 5-0.

Petition of Sandra K. Schwenk for a variance to build within four feet of the side yard

Scott Meadors was present on behalf of Sandra Schwenk to request a variance to build an addition onto her existing garage within four feet of the side yard. The property is located at 3347 Lakeside Drive. Mr. Meadors said he was informed that there is an eight-foot easement on the south side of the property and explained to the Board that an underground locate showed nothing in Schwenk's side of the easement. Mr. Meadors intends to seek approval from the Common Council to vacate the easement.

Discussion followed. With no remonstrators present, Randy Mehringer made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance to build within four feet of the side property line, contingent upon vacation of the easement. Vice Chairman Schnarr seconded it. Motion carried 5-0.

Petition of Brian and Tara Eckman for a variance from Section 16.02.140 (Height Regulations)

Tara Eckman was present, also on behalf of her husband, Brian, to request a height variance of 19 feet on a pool house they plan to construct on their property located at 48 Hannah Lane. The intent of the additional height is to aesthetically match the pitch on their house. The Eckman's property is surrounded by woods; therefore the building would not be seen by the adjacent property owners.

Discussion followed. With no remonstrators present, Vice Chairman Schnarr made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Vice Chairman Schnarr made a motion to grant a height variance from Section 16.02.140 (Height Regulations) for height of the accessory building not to exceed 19 feet. Secretary Gunselman seconded it. Motion carried 5-0.

Petition of Jonathan Ruhe for a variance for a forty-foot lot width variance from Section 16.02.120 (Lot and Yard Requirements)

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Jonathan Ruhe to request a variance on a 10-acre tract he owns located south of Division Road. The current frontage of the property measures approximately 61 feet. Mr. Ruhe is requesting a 40-foot variance to allow 100 feet of road frontage, as required by City ordinance. Plans are to build a single-family dwelling on the property, with the intent to acquire an additional 19.3 acres currently owned by his in-laws. Mr. Eckerle explained that the history of the proposed tract of land accommodates for only one home on the property due to the fact that the remaining acreage has been mined and would not be suitable for future development.

Discussion followed. Vice Chairman Schnarr asked if the additional acreage is landlocked. Mr. Eckerle said it is not landlocked and displayed a map showing an existing easement accessing the 19.3 acres.

There were no remonstrators present. Bob Cook made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a 40-foot width variance from Section 16.02.120 for one single-family dwelling on a 10-acre parcel. Vice Chairman Schnarr seconded it. Motion carried 5-0.

Bret and Sharon Voelkel, d/b/a Basic Enterprises (as owners) and Full Out Tumble and Cheer, LLC (as petitioners) for a variance to allow a gymnastics and cheer instruction facility in an I-2 (Heavy Industrial) zone

Chris Tretter was present on behalf of Full Out Tumble and Cheer, LLC, to request a variance to operate a gymnastics and cheer instruction facility at 583 Cathy Lane. Mr. Tretter, as lessor of the building, plans to sub-lease to Full Out Tumble. Aerial views were displayed of three similar facilities in the surrounding area that are operating in an Industrial Park. Full Out Tumble previously leased 2,500 square feet of space from the Dubois County Museum; however, the business has since outgrown that location. The existing facility on Cathy Lane has 4,000 square feet of gym floor space, and also plenty of space for a viewing area, a changing room and a general office. Although there is ample parking on the one-acre lot, board members discussed the possibility of having parking stops installed for a more organized parking arrangement. Vice Chairman Schnarr asked if the rock parking lot would need to be paved. Attorney Kabrick said

she would need to research the ordinance in regards to paving requirements. The business will operate weekdays from 4:00pm to 9:00pm and on Tuesdays from 9:00am to 12:00pm during the summer months.

With no remonstrators present, Bob Cook made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to allow a gymnastics and cheer instruction facility at 583 Cathy Lane, contingent upon installing 23 specifically designated parking stops. Vice Chairman Schnarr seconded it. Motion carried 5-0.

PUBLIC BUSINESS

Kenneth Gercken

Kenneth Gercken appeared before the March 2013 meeting and was denied a setback variance for construction of an accessory building he plans to build on his property located at 327 E. 36th Street. According to the City's ordinance, there is a six-month waiting period before the same request can be presented again to the Board. Mr. Gercken and Connie Thewes were present requesting that the Board waive the six-month waiting period, allowing another public hearing to be heard on July 3, 2013. The public hearing would be the same variance request to build within 35 feet of the front yard (36th Street); however, Mr. Gercken said he has reduced the size of the building and would like to move it so that it would not interfere with his existing driveway. Mr. Gercken also said he would like to start construction on the building before winter.

After some discussion, Bob Cook made a motion to allow Mr. Gercken's variance request to be heard sooner than the six-month waiting period. Vice Chairman Schnarr seconded it. Motion carried 5-0.

ADJOURNMENT

With no further discussion, Vice Chairman Schnarr made a motion to adjourn the meeting, seconded by Bob Cook. Motion carried 5-0, and the meeting was adjourned at 8:30 p.m.

Jerry Uebelhor, Chairman

Josh Gunselman, Secretary

Kathy M. Pfister, Recording Secretary